

REMARKS

[0001] Applicant respectfully requests continued examination, entry of the following remarks, and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein.

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-53 are presently pending. Claims amended herein are 1-27 and 33-53. No claims are added, withdrawn, or cancelled herein.

Statement of Substance of Interview

[0003] The Examiner graciously talked with me—the undersigned representative for the Applicant—on February 23, 2009. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0004] During the interview, I discussed how the claims differed from the cited references, namely Wenocur and Lennon. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments. The Examiner was receptive to the proposals, although no agreement was reached.

[0005] Applicant herein amends the claims in a manner consistent with the interview. Accordingly, Applicant submits that the pending claims are allowable

over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0006] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0007] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0008] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-27 and 33-53 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 101

[0009] Claims 1-53 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Applicant herein submits that the claims of the instant Application are to be construed—now and in the future—to be limited to subject matter deemed patentable in accordance with United States Federal statutes, namely section 101 of Title 35 U.S.C., and as interpreted by appropriate and authoritative Article III entities. In light of this disclaimer, Applicant asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0010] Furthermore, in light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0011] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 102

[0012] The Examiner rejects claims 1-53 under § 102. For the reasons set forth below, Applicant respectfully submits that the Examiner has not shown that

the cited references anticipate the rejected claims. Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0013] The Examiner's rejections are based upon the following references:

- **Wenocur:** *Wenocur, et al.*, US Patent Application Publication No. 2003/0009694 (published January 9, 2003); and
- **Lennon:** *Lennon*, US Patent Application Publication No. 2002/0152267 (published October 17, 2002).

Overview of the Application

[0014] The Application describes that:

A programming interface for a computer platform can include various functionality. In certain embodiments, the programming interface includes one or more of the following groups of types or functions: those related to core file system concepts, those related to entities that a human being can contact, those related to documents, those common to multiple kinds of media, those specific to audio media, those specific to video media, those specific to image media, those specific to electronic mail messages, and those related to identifying particular locations (Abstract).

Cited References

[0015] The Examiner cites Wenocur and Lennon as the primary references in the anticipation-based rejections.

Wenocur

[0016] Wenocur describes a system, method, signal, operating model, and computer program for electronic messaging (see the Abstract).

Lennon

[0017] Lennon describes that a system is described in which a media browser (101), operating as a software application on a user terminal or preferably a server for a number of users, provides a user with a single user interface that facilitates browsing and searching different metadata collections over the Internet (see the Abstract).

Anticipation Rejections

[0018] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Wenocur

[0019] The Examiner rejects claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Wenocur. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0020] Applicant submits that Wenocur does not anticipate this claim because it does not disclose at least the following features as recited in this claim (with emphasis added):

- One or more processor-accessible tangible storage media comprising processor-executable instructions stored thereon that, when executed, direct a device to perform a method comprising:

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

- Providing ***a programming interface for developing programs***, the programming interface having multiple groups of types and including:
- A first group of types...

[0021] The Examiner indicates (Action, p. 3) the following with regard to this claim:

6. As per claim 1, Wenocur et al. discloses a programming interface embodied on one or more computer readable media[0123], a first group of types related to core file system concepts[0118]; a second group of types related to entities that a human being can contact[0712]; a third group of types related to documents[0104-0105]; a fourth group of types common to multiple kinds of media[0719, 0840]; a fifth group of types specific to audio media[0735]; a sixth group of types specific to video media[0719]; a seventh group of types specific to image media[0117]; an eighth group of types specific to electronic mail messages[0094]; and a ninth group of types related to identifying particular locations[0088], wherein the programming interface provides callable multiple functions, wherein each one of the multiple groups of types provides a corresponding set of related ones of the multiple functions[0122-0123, 0166].

[0022] However, Wenocur describes:

Applications 168 includes, for example, composition engine 170, storyteller 172, e-mail engine 173, and other applications 174. Each of these applications 168, and in particular, composition engine 170, storyteller 172, and e-mail engine 173 work cooperatively to build story 180. Composition engine 170 provides, for example, a framework of data structures, a run-time model, a compiler, an application programming interface (API), and conventions for building an almost endless variety of different stories 180 that conform to a story run-time model. The story run-time model is designed such that a story playback engine on a story client can be simple in complexity and fast. The run time model provides a lightweight cooperative multitasking multimedia and central application framework. (Such a run-time model described in greater detail below). See paragraph 0123.

[0023] Wenocur also describes:

We first provide a top-level description of some of the key technology components of the invention called a story or other content and systems and methods for authoring, communicating, securing, and rendering such content. See paragraph 0063.

[0024] Thus, Wenocur describes building stories for authoring content. In contrast, claim 1 recites providing a programming interface for developing programs. Applicant respectfully submits that authoring content does not equate to developing programs.

[0025] Consequently, Wenocur does not disclose all of the recitals of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-21

[0026] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 22-26

[0027] For reasons similar to those set forth above, Applicant requests that the rejection of these claims be withdrawn.

Based upon Lennon

[0028] The Examiner rejects claims 27-53 under 35 U.S.C. § 102(b) as being anticipated by Lennon. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 27

[0029] Applicant submits that Lennon does not anticipate this claim because it does not disclose at least the following features as recited in this claim (with emphasis added):

- A method of organizing a set of types for a file system in a program development computer system into a hierarchical namespace, the file system being one of multiple groups of types included in ***a programming interface for developing programs***, the method comprising:
- creating a plurality of groups from the set of types using the program development computer system, each group containing at least one type that exposes logically related functionality of the programming interface;

[0030] The Examiner indicates (Action, p. 6) the following with regard to this claim:

33. As per claim 27, Lennon discloses a method of organizing a set of types for a file system into a hierarchical namespace[0149], the file system being one of multiple groups of types included in a programming interface, the method comprising: creating a plurality of groups from the set of types[0085-0086], each group containing at least one type that exposes logically related functionality of the programming interface; assigning a name to each group in the plurality, wherein one of the groups in the plurality includes functionality related to core concepts of the file system, wherein another of the groups in the plurality includes functionality related to entities that a human being can contact, wherein another of the groups in the plurality includes functionality related to document types that can be stored in the file system, and wherein another of the groups in the plurality includes functionality related to multiple kinds of media; and selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type[0073-0080].

[0031] However, Lennon describes a user interface that facilitates browsing and searching different metadata collection (see the Abstract). In contrast, claim 27 recites a programming interface for developing programs. Applicant respectfully submits that a user interface that facilitates browsing metadata does not equate to a programming interface for developing programs.

[0032] Consequently, Lennon does not disclose all of the recitals of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 28-32

[0033] These claims ultimately depend upon independent claim 27. As discussed above, claim 27 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 33-53

[0034] For reasons similar to those set forth above, Applicant requests that the rejection of these claims be withdrawn.

Conclusion

[0035] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Robert L. Villhard/

Dated: March 9, 2009

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